



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,445	03/26/2001	Jean-Jacques Moreau	1807-1615	6759

5514 7590 12/14/2004

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

JONES, DAVID

ART UNIT PAPER NUMBER

2622

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/816,445	MOREAU ET AL.	
	Examiner	Art Unit	
	David L Jones	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,7 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 4,5,8-20 and 25-36 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/17/01</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 4/17/07 was filed before the mailing date of the first action on the merits. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: figure 8, #E307. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because as shown in figure 10, the specification on page 23 lists many items with different numbers than that shown in the figure an example is the graphical instruction selector #8; the figure shows it as #7. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claims 1-36 are objected to because of the following informalities: all of the claims have multiple words misspelled, i.e. "characterised" and "analysing". Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 6-7, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno et al. (US 6,483,609).

Regarding claim 1, Ueno et al. (Ueno) teaches (column 5, lines 64-67 and column 6, lines 1-16) a method of processing a document available in the form of digital data from first and second categories, characterized in that it consists of producing a first series of digital data from data in the said set by masking the digital data in the second category, producing a second series of digital data from data in the said set by masking the digital data in the first category and using at least one of these two series. As shown in figure 2, the system of Ueno is performing image separation into three data sets first image plane (Image), second image plane (color plane of text line), and the selection image plane (form information of text line drawing). Ueno states that the system can be divided into any combination of planes or data sets. And as shown in figure 2, step S104, is performing a resolution conversion (column 5, lines 20-30), which is a type of filtering or masking technique, which is removing the either the first plane from the second or the second plane from the first.

Regarding claim 2, Ueno teaches (fig. 2, #103) a method of processing a document wherein the method is characterized in that it includes a prior step of analysis of said set of digital data in order to classify them in said first or second category.

Regarding claim 3, Ueno teaches (column 5, lines 64-67 and column 6, lines 1-16) a method of processing a document wherein the method is characterized in that said digital data represent graphical instructions.

Regarding claim 6, Ueno teaches (fig. 2, second image plane, fig. 3C) a method of processing a document wherein the method is characterized in that information corresponding to a low-resolution mode is grouped in the first series.

Regarding claim 7, Ueno teaches (fig. 2, first image plane, fig. 3B) a method of processing a document wherein the method is characterized in that information corresponding to a high-resolution mode is grouped in the second series.

Regarding claim 21, Ueno et al. (Ueno) teaches (column 5, lines 64-67 and column 6, lines 1-16) a device for processing a document available in the form of digital data from first and second categories, characterized in that it comprises first means for producing, from said set of data, a first series of digital data from data, including means for masking one said set; the digital data in the second category and second means for producing, from said set of data, a second series of digital data, including means for masking in said set the digital data in the first category, and means for using at least one of these two series. As shown in figure 2, the system of Ueno is performing image separation into three data sets first image plane (Image), second image plane (color plane of text line), and the selection image plane (form information of text line drawing). Ueno states that the system can be divided into any combination of planes or data

Art Unit: 2622

sets. And as shown in figure 2, step S104, is performing a resolution conversion (column 5, lines 20-30), which is a type of filtering or masking technique, which is removing the either the first plane from the second or the second plane from the first.

Regarding claim 22, Ueno teaches (fig. 2, #103) a device for processing a document wherein it is characterized in that it has means of analyzing said set of digital data, in order to classify said data in said first or second category.

Regarding claim 23, Ueno teaches (fig. 2, second image plane, fig. 3C) a device for processing a document wherein it is characterized in that said first means are arranged in order to group together in said first category, information corresponding to a low-resolution mode.

Regarding claim 24, Ueno teaches (fig. 2, first image plane, fig. 3B) a device for processing a document wherein it is characterized in that said second means are arranged in order to group together in said second category, information corresponding to a high-resolution mode.

Allowable Subject Matter

8. Claims 4-5, 8-20, and 25-36 would be allowable if rewritten to overcome the objections(s) listed above, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: as disclosed in dependent claims 4, 5, and 8, the method of claims 1-3 and further “characterized in that said digital data represent graphical instructions and analysis step includes the search for open graphical functions, closed graphical functions, functions representing text and functions representing an image in bitmap mode, and in that it also consists of classifying at least said text functions in said first category and functions representing images in bitmap mode in said second category. And a method characterized in that said closed and open graphical functions are classified in one or other category according to the dimensions of the figures, which they represent in said document. And a method characterized in that an operation of masking a graphical instruction in one or other series consists of rewriting this graphical instruction by modifying at least one colorimetric parameter thereof so as to allocate a colorless representation to said graphical instruction.”

The features identified, in combination with other claim limitations, are neither suggested nor discussed by the prior art of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L Jones whose telephone number is (703) 305-4675. The examiner can normally be reached on M- F (6:30am-4:00pm) off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David L. Jones



EDWARD COLES
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2600